

CENTRAL INTELLIGENCE AGENCY

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OGC 73-2265

6 December 1973

OGC Has Reviewed

Charles R. Esherick, Esq.
Trial Attorney, Antitrust Division
Department of Justice
10th Street and Pennsylvania Avenue
Washington, D.C. 20530

Dear Mr. Esherick:

Re: U.S. v. International Business Machines Corporation

Attached are lists of documents being withheld from inspection by IBM on national security grounds in accordance with affidavits submitted by the Director of Central Intelligence on 27 April 1972 and 18 January 1973.

The attached listings do not include a substantial number of documents which have previously been withheld, but are now undergoing declassification. In most cases declassification can be accomplished only by deleting portions of the documents. We believe that the necessary deletions will not materially change the documents insofar as IBM's needs are concerned. These declassified documents will be available for inspection by IBM at CIA Headquarters.

Based upon the results of IBM's earlier inspection of unclassified documents, we believe they will find only a very few of the listed documents germane to their case. When they have identified listed withheld documents, which they feel would be germane, we will again consider the sensitivity of those documents and attempt to reach an agreement whereby pertinent parts of them can be declassified and made available to IBM. We believe that by proceeding in this manner, there will remain

relatively few documents which IBM feels it needs, but which we find too sensitive to be used as evidence in this case.

STATINTL

Sincerely,



Associate General Counsel

Atts

OGC:JDM:ks

Original - Addressee

- 1 - OGC Subj: LITIGATION - CIVIL
- 1 - JDM Signer
- 1 - Chrono